



Robert E. Littlefield, Jr.
Chief, United States Bankruptcy Judge

So Ordered.

Signed this 16 day of September, 2014.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

Michael J. Waldron,

Debtor.

CURTIS LUMBER CO., INC.,

Plaintiff,

vs.

MICHAEL J. WALDRON,

Defendant.

Chapter 7

Case No. 13-12190-1-rel

Adversary Proceeding No. 14-90008

**INTERIM ORDER GRANTING
MOTION TO MODIFY SCHEDULING
ORDER**

WHEREAS on August 15, 2014, plaintiff Curtis Lumber Co., Inc. ("Curtis Lumber"), by and through its counsel, Steven D. Greenblatt, Esq. of the Law Office of Steven D. Greenblatt, PLLC, moved this Court for an Order granting its motion to modify the Scheduling Order in this adversary proceeding, to compel production of documents and discovery responses, and for an

award of costs and attorneys' fees associated with making the motion to compel production of documents (the "Motion"); and

WHEREAS on August 19, 2014, in a letter to the Court, Curtis Lumber, *inter alia*, modified its request for relief with respect to that portion of the Motion concerning modification of the Scheduling Order; and

WHEREAS no opposition was served or filed to any portion of the Motion; and

WHEREAS on September 10, 2014, a hearing on the Motion was held before the Court; and

WHEREAS at said hearing, counsel for the debtor-defendant consented to the modifications to the Scheduling Order sought by movant and creditor-plaintiff Curtis Lumber; and

WHEREAS the Court sought to offer the parties the opportunity to come to a consensual resolution with respect to the request for an award of costs and attorneys' fees;

NOW THEREFORE, having reviewed all papers filed in support of the Motion, and having considered the relief requested therein and the arguments and agreements of the parties, made by their counsel at the September 10, 2014 hearing, it is hereby,

ORDERED that the portion of the Motion seeking modification of the Scheduling Order is GRANTED; and it is further

ORDERED that the hearing on that portion of the Motion seeking costs and attorneys' fees pursuant to Fed. R. Civ. P. 37 and Fed. R. Bankr. P. 7037 is hereby adjourned to September 24, 2014 at 9:15 A.M.; and it is further

ORDERED that, in the event the parties are unable to reach a consensual resolution of the costs and attorneys' fees issue, debtor-defendant shall, by no later than 4:00 P.M. on September

19, 2014, serve and file with the Court its response, if any, to Curtis Lumber's request for an Order pursuant to Fed. R. Bankr. P. 7037 and Fed. R. Civ. P. 37(a)(5), directing debtor-defendant Michael Waldron and his counsel in this matter, Richard Croak, Esq., jointly and severally, to pay Curtis Lumber's reasonable expenses incurred in the making of that portion of the Motion seeking to compel the debtor-defendant to respond to Curtis Lumber's discovery requests; and it is further

ORDERED that, if debtor-defendant does serve and file a response as set forth above, Curtis Lumber may serve and file a reply, if any, by no later than 4:00 P.M. on September 22, 2014.

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